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MAR 30 2018

S.C. SUPREME COURT

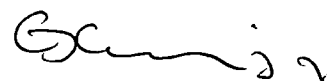
I ALBERT CAVE #189002 hereby

submit this Pro Se Response to the Johnson  
Petition filed by my attorney. I pray that this  
Honorable Court consider the issues that I  
am presenting in this Pro Se Response. My  
U.S. Constitutional Rights, and my rights under  
the SC. Constitution and SC. Law was violated  
and all lower courts has failed to correct these  
issues. The PCR Court erred when he denied  
my application without evidentiary support.

I pray that this Court grant my application and  
or remand my case back to the trial court to  
hold an on record analysis test and to hold an  
hearing to determine the validity of a valid  
court order which will be mentioned below.

I pray that this Court consider these issues alone  
with this entire case which is based on a prior  
Banglana case which I was found not guilty of.

Respectfully Submitted



March 27, 2018

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The Court Abused its discretion AND Erred when the Court decide my application with its Ruling being without evidentiary support. See STATE vs. JENNINGS, 394 S. 473, 477-78, 716 S.E 2d 91.93 [2011]. The Testimony AND evidence Presented in this case is From A Prior 2008 Burglary Arrest which I WAS ACQUITTED OF AFTER BEING FOUND NOT GUILTY AT TRIAL. The Trial Court AND All lower Courts Failed TO Conduct A ON RECORD BALANCING test to determine if the testimony AND evidence of the Prior Burglary Charge Arrest, if the Probative VALUE WAS SUBSTANTIALLY OUTWEIGHED by the danger OF UNFAIR Prejudice. the introduction OF Testimony OR evidence OF that Prior Burglary Arrest would be Prejudicial under Rule 403 S.C.R.E. the Attorney General stated in his OPINION under Section 17-1-40 OF the S.C. Code OF LAWS; that All law ENFORCEMENT AGENCIES must DESTROY All evidence OF that Arrest Record AND Cease the dissemination OF INFORMATION concerning that Charge. the State Failed to destroy this evidence AND Failed to Cease giving out INFORMATION concerning that Prior Charge. this Act

IS IN VIOLATION OF 17-1-40 OF THE SC CODE OF LAWS AND VIOLATES S.C. CONST. ART. 1 § 7 DUE PROCESS, AND MY 14<sup>TH</sup> AMENDMENT DUE PROCESS OF THE UNITED STATES CONSTITUTION. THE STATE TESTIFIED THAT THE EVIDENCE THEY USED TO ARREST ME WAS FROM THE ARREST RECORD OF THAT 2008 BURGLARY ARREST. SEE [EXHIBIT #3 FOOTNOTE] THE TRIAL COURT HELD A HEARING ON THE ADMISSIBILITY OF THIS EVIDENCE BUT FAILED TO CONDUCT A ON RECORD ANALYSIS TEST TO DETERMINE THE PROBATIVE VALUE OF THIS EVIDENCE THAT IS SUBSTANTIALLY OUTWEIGHED BY UNLAWFUL AND UNFAIR PREDICICE. THE PCR JUDGE STATED THAT HE COULD NOT ORDER THEM TO EXCLUDE THIS EVIDENCE. HE STATED THAT HE COULD GRANT MY APPLICATION IF HE THOUGHT MY RIGHTS WERE VIOLATED. THE RECORD SHOWS THAT THE USE OF THIS EVIDENCE AND THE TESTIMONY OF THAT PRIOR BURGLARY CHARGE VIOLATES MY RIGHTS AND ALL LOWER COURTS FAILED TO ADDRESS ISSUE. I PRAY THAT THIS HONORABLE COURT GRANT MY PETITION AND CONSIDER THESE ISSUES WHICH ALL LOWER COURTS FAILED IN THEIR DUTY AND OATH TO DO. THE PRIOR BURGLARY ARREST IS A CASE THAT INVOLVS THE VICTIMS A FORMER SOLICITOR OF THE SECOND CIRCUIT SOLICITORS OFFICE, AND THE OTHER

Victim is the Son of the Mayor of Arkem.  
I WAS FALSELY ARRESTED FOR THEM CHARGES THAT  
STILL PERSIST AGAINST ME TODAY. I WAS ACQUITTED  
OF THEM CHARGES WHICH THE PROSECUTION, THE  
SECOND CIRCUIT SOLICITORS OFFICE IS USING TO PROSE-  
CUTE ME TODAY IN CONNECTION TO THAT PRIOR CASE.  
THE PROSECUTION VIOLATED A VALID COURT ORDER OF  
RECUASAL AND UNLAWFULLY PROSECUTED ME WITH  
EVIDENCE THEY ILLEGALLY OBTAINED IN VIOLATION  
OF THE STATE LAW SECTION 17-1-40 OF THE S.C.  
CODE OF LAWS. THIS SHOWS PREDUCICE AGAINST  
ME BY THE PROSECUTION IN RETALIATION FOR THAT PRIOR  
BURGLARY ARREST THAT INVOLVS THEIR OFFICE. THE  
PCR COURT DENIED MY APPLICATION FOR INEFFECTIVE  
COUNSEL FOR FAILING TO MAKE MOTION TO SUPPRESS THIS  
EVIDENCE, AND FOR FAILING TO RECUSE SOLICITORS OFFICE,  
FOR PROSECUTORIAL MISCONDUCT AND MALICIOUS PROSECUTION  
IN REGARDS TO THE TESTIMONY AND EVIDENCE INTRODUCED  
THROWOUT THIS WHOLE CASE WITHOUT EVIDENTIARY  
SUPPORT. I PRAY THAT THIS HONORABLE COURT CONSIDER  
THIS ISSUE AND ALL OTHER ISSUES PRESENTED IN MY  
APPLICATION WHICH ALL THE LOWER COURTS FAILED TO  
DO. I PRAY THAT THIS COURT GRANT MY APPLICATION  
AND OR REMAND MY CASE BACK TO THE TRIAL COURT TO

Conduct a on Record balancing test to Allow me the opportunity to Show the Prejudicial harm of the Testimony and evidence from that Prior Burglary Arrest has AGAINST me and this case. This ENTIRE case is Based on the Evidence and Testimony concerning that Prior charge. The State do Not Contest the Fact that the Evidence they used to Arrest me for is from the Arrest Record of that 2008 Burglary Arrest Record. The State stated that they did Not have to destroy that Arrest Record because I WAS Found guilty of another charge thatS on that Arrest Record. that goes AGAINST the intentions of the legislator who Required All Law enforcement Agencies to destroy All Evidence of the Record pertaining to that charge. Even if the State is Allowed to Retain that Evidence, to mention that Prior Burglary Arrest in open Court on Record AGAINST me is Prejudicial "Per Se" and it Shows Prejudice AGAINST me by the Prosecution who testified that they used Evidence from that Record from the 2008 Burglary Arrest. ONCE they mentioned that case, the Prosecution, [The Second circuit solicitors office]

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Should have Recused themselves because they are Recused from Prosecuting ANY Charges or Indictments that are Alleged to be Related to that Prior Burglary Charge. Not only is this case Alleged to be Related to that Prior Case, this case is ALSO PART OF THAT SAME PATTERN OF CRIMINAL ACTIVITY THATS LISTED IN THE COURT ORDER OF RECUSAL THAT ALSO INCLUDED THAT PRIOR BURGLARY CHARGE THATS LISTED IN THE COURT ORDER, THE COURT ORDER ALSO INCLUDED, AND STATED NOT SPECIFICALLY LIMITED TO THE OTHER POSSIBLE INDICTMENTS MENTIONED BY THE SOLLISTER. POSSIBLE INDICTMENTS FROM CASES THAT ARE NOT RELATED TO THAT PRIOR BURGLARY CHARGE. THIS SHOWS THAT THE COURT ORDER OF RECUSAL DOES APPLY TO OTHER CHARGES AND NOT JUST THE CHARGES THAT I WENT TO TRIAL FOR AS THE ORDER OF DISMISSAL STATED AS THE REASON TO DENY. THE PCR JUDGE STATED THAT HE COULD NOT RECUSE THE SECOND CIRCUIT BUT FAILED TO REMAND MY CASE FOR AN EVIDENTIARY HEARING TO CHALLENGE THE VALIDITY OF THE ORDER WHICH IS A VALID COURT ORDER OF RECUSAL THAT RECUSED THE PROSECUTION FROM PROSECUTING THIS CASE. MY RIGHTS OF DUE PROCESS WAS VIOLATED AND THE PCR COURT ERRED AND ABUSED HIS DISCRETION WHEN HE DENIED MY

## APPLICATION WITHOUT EVIDENTIARY SUPPORT,

THE SOLICITOR GAVE FALSE TESTIMONY UNDER OATH WHEN HE TESTIFIED THAT A HEARING WAS HELD BEFORE TRIAL ON THE ADMISSIBILITY OF THE ILLEGALLY OBTAINED EVIDENCE USED IN THIS CASE. SEE PG \_\_\_\_ LN \_\_\_\_.

TRIAL ATTORNEY TESTIFIED THAT HE NEVER MADE THAT MOTION. THE RECORD WILL SHOW THAT A HEARING WAS HELD ON THIS EVIDENCE AFTER TRIAL AND THE JUDGE FOUND AND RULED THAT I WAS CORRECT AND THAT THE EVIDENCE HE STATED USED IN THIS CASE SHOULD HAVE BEEN DESTROYED PURSUANT TO THE STATUTE. HE ALLOWED THE STATE TO USE EVIDENCE THEY OBTAINED AFTER MY ARREST IN THE OTHER CASE AGAINST ME, BUT HE RULED THE EVIDENCE WHICH WAS USED IN THIS CASE SHOULD HAVE BEEN DESTROYED. THE COURT FAILED TO CONDUCT A ANALYSIS'S TEST TO DETERMINE THE PROBATIVE VALUE OF THIS EVIDENCE AGAINST PREJUDICE WHICH IS UNDOE AND UNFAIR IN THIS CASE. THE PCR JUDGE SIGNED THE ORDER OF DISMISSAL WHICH WAS PREPARED BY THE ATTORNEY OFFICE WHO IS A INTERVENING AUTHORITY WHO IS RELEVANT TO ISSUES IN THIS CASE. ALL LOWER COURTS HAS FAILED TO CORRECT THESE ISSUES THAT VIOLATES MY US, AND SC. CONSTITUTION OF DUE PROCESS, AND MY RIGHTS TO HAVE A FAIR TRIAL, AND TO BE HEARD

by a Tribunal with the Power to decide this Case. Even my Rights to effective Assistant of Counsel. the Record Shows that my Counsel's Failure to Seek suppression of illegally obtained evidence affected the outcome of my trial which would have been different had he done so. he allowed the Prosecution to use and mention evidence and testimony of that prior Burglary charge. the Record Shows that after trial another Attorney was appointed to me and he filed the motion that trial counsel refused to make.

the PCR Court erred when it denied my Application which this Court will see my Rights were violated. I did not have a fair trial due to the fact that I was wrongfully prosecuted out of Retaliation by a Prosecution Agency that prosecuted me with Impropriety in connection to that prior Burglary case that involves their office. I pray that this Honorable Court consider these issues along with all of the other issue which was presented at the hearing. this misconduct by the State violates all of my Rights mentioned in Application and the PCR Court erred and abused its discretion when it denied my Application and I pray that this Petition, ResBurse be put on Record as my testimony of how my Rights were violated.

